

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD L. BENISH,)	4:10CV3241
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on Petitioner Richard Benish's ("Benish") "Motion for Leave for Discovery." (Filing No. [26](#).) Respondent has already filed *all* records considered by the state courts in the state court proceedings. (*See* Filing No. [25](#).) In light of this, Benish's "Motion for Leave for Discovery" is denied. In the event the court determines that additional records are necessary to resolve the issues presented in Benish's Petition for Writ of Habeas Corpus, the court will order Respondent to provide them.

IT IS THEREFORE ORDERED that: Petitioner's "Motion for Leave for Discovery" (filing no. [26](#)) is denied.

DATED this 11th day of May, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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